

1 Q. Okay. Could it be that the combination form
2 that's used at the election has a place for voters to
3 initial on the actual form when they have a
4 substantially-similar name, as opposed to -- as opposed
5 to the same match?

6 A. Well, we don't use combination forms in
7 Jefferson County because we use EA tablets, so our
8 voters sign electronically. So we don't use combination
9 forms.

10 Q. Okay.

11 A. So I'm not familiar -- it may be on some
12 combination forms, but we don't use that form here in
13 Jefferson County.

14 Q. You would know better than I. Do you have an
15 example in the documents you brought today of the type
16 of form that would be used when a name is substantially
17 similar but not an exact match?

18 A. Sir, I'm afraid I did not, but I -- I cannot
19 log on. I'm sorry.

20 Q. Okay. That's fine. That's one thing, if we
21 could after the deposition, if we could try.

22 A. I will definitely get it in these documents.

23 Q. Okay. Did anybody come to you after the 2013
24 election and tell you that they were unable to vote
25 because of the requirements of S.B. 14?

1 A. No, sir.

2 Q. Okay. Did anyone report to you from your
3 office that anyone came to them and said, "Hey, I was
4 not able to vote because of the requirements of
5 S.B. 14"?

6 A. No, sir.

7 Q. Okay. Now, the next election then was the
8 March primary; correct, of 2014?

9 A. March 4th, that's correct.

10 Q. Now, how many provisional ballots was cast in
11 the March primary?

12 A. Total, or to do with voter ID?

13 Q. Total provisional ballots.

14 A. I think total we had nine, but I think there
15 were only three to do with photo ID.

16 Q. Okay. So provisional ballots are cast for a
17 lot of reasons, other than -- other than the
18 requirements of S.B. 14; correct?

19 A. That's correct.

20 Q. Okay. So you think with respect to the March
21 primary of 2014, you think there were three provisional
22 ballots cast because of S.B. 14?

23 A. Uh-huh.

24 Q. And do you know what the basis of each of
25 those were? Was it because the person didn't have any

1 ID, or didn't have a correct ID, or do you know?

2 A. No ID.

3 Q. No ID at all?

4 A. Well, I can tell you in a minute. Well, this
5 one says, "failed to present acceptable ID," on the
6 first one. The second one says, "failed to present
7 acceptable ID." On the third one, it says, "expired
8 ID." And on the fourth one, it was "expired ID."

9 Q. Okay. So --

10 A. So I had two expired, and two failed to
11 present.

12 Q. Okay.

13 A. So it was four for the March 4th primary.

14 Q. Okay. And were any of those provisional
15 ballots cured?

16 A. No, sir.

17 Q. Okay. Do you know whether or not any of those
18 persons made any effort to cure the provisional ballot?

19 A. No, sir, it doesn't appear.

20 Q. Do you know if they came into the office, or
21 called and tried to cure it, but for whatever reason
22 could not?

23 A. According to the notes from the voter
24 registrar office, they did not come in.

25 Q. Okay. So as we sit here today, we don't know

1 if those people could have cured it or --

2 A. They did not come in within the six days,

3 that's all we know.

4 Q. Okay. Now, you had mentioned a lady --

5 A. Addie, Addie Allen.

6 Q. Is she -- was her provisional ballot during

7 the March primary?

8 A. Hers was during the runoff election.

9 Q. All right. We'll come back to that. Okay.

10 All right. So we had four provisional ballots cast in

11 the 2014 primary. And to your knowledge, those people

12 did not come in to cure?

13 A. They did not come in.

14 Q. All right. How many -- do you know how many

15 votes total were cast in Jefferson County in the 2014

16 primary?

17 A. I can't get to that information, I'm sorry.

18 Q. How about -- I didn't ask you about the 2013.

19 A. I do know, but I can't -- sorry, I can't. No
20 wifi.

21 MS. KENNEDY: It doesn't come back here,

22 though.

23 Q. (By Mr. Keister) That's fine. The 2013

24 election, was it average, or more, or less?

25 A. For the constitutional amendment, it's always

1 very, very low. I can make sure I have those numbers
2 for you, no problem.

3 Q. Okay. Was there anyone expressing after the
4 elections the numbers in the 2013 election were less
5 because of the requirements of S.B. 14?

6 A. No, sir.

7 Q. What about with respect to the 2014 primary,
8 did anyone factually make the argument that the votes
9 were less in 2014 because of S.B. 14 requirements?

10 A. No.

11 Q. Okay. Now, you mentioned earlier that the
12 similar name requirement became more of an issue, or at
13 least was raised more in the primary -- the March
14 primary of 2014; correct?

15 A. Right.

16 Q. Now, do you recall how many similar names --
17 and you think it was a similar name form they had to
18 fill out; correct?

19 A. Yes. Voter registrar has those. Is that
20 something y'all want to see if we can secure from them?
21 They should have copies of them.

22 Q. Okay. And we might do that.

23 MS. SIMSON: We might do that. We can
24 talk after.

25 Q. (By Mr. Keister) Do you know, off of the top

1 of your head, approximately how many of those forms were
2 filled out?

3 A. No, it was a lot.

4 Q. Okay. But those persons were allowed to vote;
5 correct?

6 A. Yes, sir.

7 Q. It wasn't a provisional ballot, they were
8 allowed to cast their vote?

9 A. They were allowed to vote.

10 Q. All right. Now, did you hear any complaints
11 from anyone that they were not allowed to vote in the
12 March 2014 primary because of a similar name issue?

13 A. No, sir.

14 Q. And I guess it would be more a dissimilar
15 name.

16 A. Right.

17 Q. Did anyone complain to you, "Hey, I was not
18 allowed to vote because my name did not match my ID"?

19 A. No, no.

20 Q. Okay. Did anyone complain to anyone in your
21 office that they were not allowed to vote in the March
22 2014 primary because the name on the voter roll did not
23 match exactly the name on their -- the ID that they
24 presented?

25 A. No.

1 Q. Okay. Did anyone complain to you after the
2 2014 March primary that for any reason S.B. 14 prevented
3 them from being able to vote?

4 A. No, sir.

5 Q. Okay. Now, was the 2014 March primary the
6 issue where the gentleman complained that he was not
7 asked for an ID? Remember, we spoke that earlier?

8 A. Let me see if I have that e-mail.

9 Q. Do you recall the letter I'm talking about?

10 A. Yes, I do.

11 Q. Okay. But I believe it was a poll worker who
12 wrote the letter the complaint had been made to her;
13 correct?

14 A. Yeah, it was for the March 4th primary,
15 because she sent it March 5th.

16 Q. So that particular letter, who sent it, before
17 you put it back in the stack.

18 A. It was Sherry Boudreax.

19 Q. That's a letter that she wrote to you?

20 A. Yes, she's one of the election judges.

21 Q. Did she relate the individual's name who made
22 the complaint?

23 A. No, she did not.

24 Q. Okay. So that letter is the only complaint
25 you're aware of in March for the 2014 primary related to

1 S.B. 14; correct?

2 A. Yes.

3 Q. And the gentleman who made that complaint was
4 not complaining that he was not allowed to vote because
5 of the photographic requirement; correct?

6 A. No, he was allowed to vote. He was
7 complaining why was he not asked for his photo ID.

8 Q. Okay. So he felt like he should have been
9 asked for photo ID; correct?

10 A. Right.

11 Q. And he was not?

12 A. Yeah.

13 Q. Okay. Did he indicate that he would have been
14 more comfortable if he had asked -- if he had been asked
15 to show his photo ID?

16 A. I guess he was trying to figure out why the
17 same rules didn't apply to him, if everybody else was
18 being asked.

19 Q. And to him, it was important anyone show the
20 photo ID; correct?

21 A. I can assume that was his reason.

22 Q. Okay. And that's the only complaint that you
23 recall from the 2014 primary?

24 A. Yes, that's correct.

25 Q. And there was none with respect to the 2013

1 election; correct?

2 A. No, sir.

3 Q. All right. Then the next election was the
4 runoff election?

5 A. Yes.

6 Q. Was that in May?

7 A. Well, it actually wasn't the next one.

8 Q. What was the next election after the -- after
9 the March 2014 primary?

10 A. We had the Senate District, May 5th.

11 Q. Okay.

12 A. That was Senate District -- Senate District 4,
13 we had the May 5th election, and then we had the runoff
14 on May 27.

15 Q. That was a special election?

16 A. Yeah.

17 Q. Who had been the previous senator, or who
18 vacated their position?

19 A. Tommy Williams.

20 Q. All right. Were there any provisional ballots
21 cast during that particular election?

22 A. No, there were none.

23 Q. Okay. Were there any -- any similar names
24 afterwards filled out during that election?

25 A. There were none.

1 Q. Did you receive any complaints that anyone
2 complained that they were not allowed to vote during
3 that election because of any of the -- any of the photo
4 ID requirements?

5 A. Not that I'm aware of.

6 Q. Okay. Did anyone from your office report to
7 you they had heard complaints that someone had not been
8 allowed to vote because of the requirements of S.B. 14
9 or photo ID?

10 A. No, sir.

11 Q. Who were the candidates in that election, do
12 you recall?

13 A. Creighton, Todd, Galloway, and there was one
14 more. Do you know?

15 Q. That's fine.

16 A. One more. I can't remember.

17 Q. Okay. So with respect to -- well, let's just
18 go on. The next election then would have been the
19 runoff; correct?

20 A. The runoff, May 27th.

21 Q. All right. And with respect to the May 27th
22 runoff, were provisional ballots cast?

23 A. Yes.

24 Q. Okay. How many were cast?

25 A. I think there was seven, but three pertaining

1 to photo ID.

2 Q. How many total provisional ballots, if you
3 have it?

4 A. Total, 11 total.

5 Q. Okay. And do you know what -- why -- what the
6 provisional ballots were, other than the ones that were
7 cast because of S.B. 14? What type of issues?

8 A. Yeah, they were like -- they would show up and
9 they already had a ballot by mail, and they would show
10 up at the polling location to vote when they already had
11 a mail ballot that we had, or --

12 Q. In that situation, they would be allowed to
13 vote?

14 A. No, because we had their ballot by mail
15 already.

16 Q. They weren't allowed to vote?

17 A. They weren't allowed to vote, we already had
18 their ballot by mail.

19 Q. Okay. Do you keep records of that, when
20 somebody shows up to vote in person, and they have never
21 voted by mail?

22 A. Yeah. Because it's in the system, in the EA
23 tablet that we already have a mail ballot for them, and
24 we will pull it and we say we have a ballot by mail
25 right here, it's already been processed.

1 Q. Does that happen with regularity?

2 A. No, we have not, but we've had so many
3 elections this year, people got confused what elections
4 they were voting in because we have had so many back to
5 back.

6 Q. Is it your understanding that it would be
7 illegal if somebody voted by mail and then showed up and
8 voted in person and actually cast two votes?

9 A. Yeah, but because our system is real-time
10 voting, it would be very hard for us not to catch it.

11 Q. Right. But if you didn't catch it and
12 somebody did that, that would be an illegal act;
13 correct?

14 A. It would be.

15 Q. Would that be an in-person illegal act?

16 A. But, I mean, I don't think anybody would
17 intentionally. I think sometimes they don't realize it.
18 Like I said, we have had so many elections this year,
19 the voters really got confused.

20 Q. I understand. And isn't it fair to say that
21 the purpose of -- well, not the purpose, but that the --
22 that it's your effort to encourage as many people to
23 vote; correct?

24 A. Yeah.

25 Q. And you don't want to discourage, I don't mean

1 you, but your position as county clerk --

2 A. Right.

3 Q. You don't want to discourage people from
4 voting; correct?

5 A. No.

6 Q. You may -- in your effort to encourage people
7 to vote, you may overlook minor errors that occur, such
8 as someone voting twice, or attempting to vote twice.

9 A. Who would overlook it?

10 Q. Well, as you were talking about somebody who
11 sent -- who mailed in a ballot, and then appeared at the
12 voting place to vote in person, if you caught it, you
13 would tell that person, "No, you've already voted by
14 mail, you can't vote today"; correct?

15 A. Oh, absolutely.

16 Q. As opposed to contacting the district
17 attorney's office and saying, "So-and-so voted by mail,
18 and they're here trying to vote in person"?

19 A. Yeah. Well, I just wouldn't let them vote
20 twice. As long as they don't vote twice, it's not a
21 crime because we are going to catch them before they do
22 it.

23 Q. As long as you stop them.

24 A. Yeah, so it's not a crime.

25 Q. If you don't catch them and they vote, it's a

1 crime; correct?

2 A. Well, yeah. If we don't catch them and they
3 vote, it's a crime.

4 Q. Okay.

5 A. Other things they did, they registered too
6 late, they showed up late, so they get to vote a
7 provisional, but their vote is not going to count
8 because they registered a day late to vote. So that's
9 some of the other provisional ballots that we had.

10 Q. Wouldn't it also be fair to say that the voter
11 identification requirement prevents people, or helps
12 prevent people from committing in-person voter fraud
13 simply because it's easier for the person looking at
14 that photo ID to determine whether or not the person
15 that's about to vote is, in reality, the person who is
16 on the -- who has the voter registration card?

17 MR. GEAR: Object to form. Vague. Calls
18 for speculation.

19 Q. (By Mr. Keister) Let me ask it again.
20 Wouldn't you agree, just like you're talking about,
21 you're able to catch -- not catch, but you're able to
22 determine when somebody shows up to vote in person and
23 they voted by mail already, you're able to catch that
24 because it's in the system; correct?

25 A. Right.

1 Q. Okay. But if there's no photo identification
2 requirement, when somebody shows up to vote, unless you
3 personally know that person, there is no way to know for
4 sure whether or not that person is the person whose name
5 actually appears on the voters' roll; correct?

6 MR. GEAR: Objection; vague, form. Calls
7 for speculation.

8 A. That's true.

9 Q. (By Mr. Keister) Okay. And if they are
10 required, as they are, to show their photo ID, when they
11 show up, then you have that person standing there in
12 front of you with their photo on their state-issued or
13 federal-issued ID that either does or does not match
14 what's on the photo -- on the voters' roll; correct?

15 A. That would be correct.

16 Q. Okay. And if, for whatever reason, they show
17 up and that ID does not match, or you don't think that
18 person matches, you can allow them to do a provisional
19 ballot; correct?

20 A. That would be correct.

21 Q. Okay. And when you allow them to do a
22 provisional ballot, does the poll worker explain to
23 them, "Well, you have to do a provisional ballot, sir,
24 because this photo ID doesn't appear to match"?

25 Would that be something that would be